

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance	• •	Administration	• •	Executive/Legal	• •	Enforcement
(916) 322-3662		322-3660		322-3901		322-6441

April 17, 1985

Ralph B. Jordan  
County Counsel  
County of Kern  
Administration and Courts  
Building, Fifth Floor  
1415 Truxtun Avenue  
Bakersfield, CA 93301

APR 22 6:32

COPIES OF LETTERS

Re: Your Request for Advice  
Our No. A-85-069 - 2

Dear Mr. Jordan:

You have requested that our agency review your office's memorandum regarding the economic interests of Mr. Randall L. Abbott and Mr. Steven G. Ladd, Planning Director and Deputy Planning Director, respectively, of the County of Kern. Your request is made with their concurrence and they have reviewed and approved the factual statement in your memorandum as to its accuracy. You have graciously agreed to a two-day extension on the time period for our response pursuant to Government Code Section 83114(b).

Our review and advice is general in nature and will not comment upon any past actions taken by these two gentlemen. I will set forth below the facts as stated in your office's memorandum and then I will comment on the conclusions reached in the memorandum, by number, and I incorporate the memorandum in its entirety as a part of this letter, rather than restate all its contents.

### FACTS

Randall L. Abbott, Planning Director, and Steven G. Ladd, Deputy Director, with their wives purchased one Jay Carter Model 25 wind turbine on December 9, 1982. That turbine is designated as Tower

141, Generator #160, and located in Row 2, Site 12, in the Oak Creek Energy Systems Wind Park near Tehachapi. The purchase price of \$80,000 (plus \$4,800 sales tax) for the turbine was financed by a \$40,000 loan from Sierra National Bank of Tehachapi, a loan of \$25,000 from Oak Creek Energy Systems, Inc., secured by the wind turbine, and cash for the balance paid in June of 1983 by buyers (approximately \$5,000 by each of the four). The loan from Oak Creek Energy Systems, Inc., is evidenced by a Collateral Promissory Note (Without Recourse) dated December 9, 1982, and provides for the loan and repayment of \$25,000 due on December 8, 2002, payable quarterly in the amount of \$934.75 with interest at the rate of 14% per annum.

Mr. Abbot and Mr. Ladd with their wives executed a Wind Turbine Sales and Management Agreement on December 9, 1982, which provides for the sale, installation, maintenance, and management of the system. Costs of management were included in the sales price for 1982, but thereafter would be 2 1/2% of gross. The same parties executed a Site Ground Lease with Oak Creek Energy Systems, Inc., for a term of 20 years commencing on December 9, 1982, for a monthly rental of 7 1/2% of gross sales for each site leased for a wind generating machine. "Gross sales" are defined in the lease agreement as the total selling price of all merchandise or services sold or rendered in, on, or from the premises, specifically proceeds from all sales of electricity to Southern California Edison from the wind generating machines owned and operated by lessee on the premises leased. For the quarter ending September 30, 1984, Wind Machine #2-12 owned by Abbott and Ladd generated revenues of \$696.24 from 7736 kilowatts. At 7 1/2% these revenues resulted in lease fees of \$52.22 for the quarter. On an annual basis the land lease has an undiscounted value of \$208.88 and over 20 years, the term of the lease, \$4,177.60. These figures are projections and altogether dependent on the gross revenues generated quarterly.

In addition a Maintenance and Servicing Agreement was executed on December 9, 1982 between Mr. Abbott and Mr. Ladd with their wives and Wind Maintenance, Inc. for a term of seven (7) years with an option to renew for thirteen (13) years. The cost of

maintenance and repairs will be cost plus ten percent (10%) not to exceed ten percent (10%) of the owner's proceeds from the exploitation of the system.

Mr. Abbott and Mr. Ladd filed the requisite Statements of Economic Interest on February 8, 1983, and February 1, 1984, disclosing the wind turbine ownership and associated loans. The site lease was not disclosed and was not required to be disclosed pursuant to 2 Cal. Adm. Code Section 18233(c).

#### REVIEW OF CONCLUSIONS

1. This is an accurate statement of the law. However, under Government Code Section 87100<sup>1/</sup> all public officials are subject to that section's disqualification requirements, whether or not they are designated employees in their agency's Conflict of Interest Code.

2. Section 1126 is outside the Political Reform Act<sup>2/</sup> and, hence, beyond the purview of this agency. You may wish to consult with the Attorney General's Office with regard to this issue.

3. Based upon the valuation which you have provided, your analysis is correct. See Section 82033, and the Commission's Overstreet Opinion, 6 FPFC Opinions 12 at 16.

4. An outstanding loan is income, Section 82030(a), unless it meets one of the exclusions in Section 82030(b)(8), (9) or (10). Neither the loan from Seirra National Bank (a commercial lending institution, but more than \$10,000) nor the note from Oak Creek Energy Systems (not a commercial lending institution) meets the criteria for exclusion. Consequently, each loan is reportable income to the two gentlemen. However, because Sierra National Bank is a commercial lending institution, as long as the loan is "made in the regular course of business on terms available to the public without regard to official status," Sierra National Bank is not an economic interest under Section 87103(c). Because Oak Creek Energy Systems is not a commercial

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<sup>1/</sup> All statutory references are to the Government Code unless otherwise stated.

<sup>2/</sup> Sections 81000-91015.

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lending institution, it is, as you have concluded, a source of income of \$250 or more as defined in Section 87103(c).

5. Your conclusion is correct as long as it is remembered that each disqualification situation must be resolved on the particular facts involved and a blanket rule should not be applied.<sup>3/</sup>

6. Your conclusion is correct as to those decisions for which it is reasonably foreseeable that the effect of the decision on Oak Creek Energy Systems will be material as to Oak Creek. We have no information upon which to reach a conclusion as to materiality. Consequently, you will need to examine the facts carefully. This will remain the case so long as the outstanding balance for each gentleman is \$250 or more and for a period of 12 months following the point in time where the balance is reduced below that level.

7. As stated previously, we cannot comment on past conduct.

8. Your conclusion is correct, subject to the caveat contained in my comments, above, to numbers 4, 5 and 6.

9. As you have pointed out, the Political Reform Act does not require divestiture, only disqualification on a transactional basis. Beyond that, we cannot comment.

In terms of the Analysis portion of your office's memorandum, the reference to "influencing legislative or administrative action" is misplaced. The focus should be on our regulation, 2 Cal. Adm. Code Section 18700 (copy enclosed), for determining what activities are proscribed.<sup>4/</sup> With this exception, the Analysis is correct with respect to its discussion of the provisions of the Political Reform Act. Again, we cannot comment on past actions or on the Section 1126 issue.

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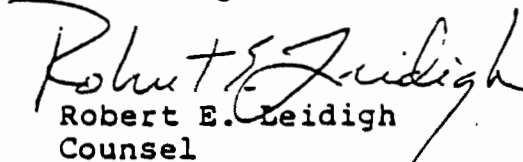
<sup>3/</sup> However, this may change in the future. See enclosed proposed regulation 2 Cal. Adm. Code Section 18702.1.

<sup>4/</sup> See also the enclosed copy of our Advice Letter, No. A-84-057, to Mayor Dianne Feinstein which discussed what constitutes "participation" in a decision.

Ralph B. Jordan  
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I trust that this letter has provided you with the assistance which you sought. Should you have any questions, please do not hesitate to contact me at (916) 322-5901.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure

INITIAL STATEMENT OF REASONS

Adopt 2 Cal. Adm. Code Section 18702.1

1322 11 33

Situation Addressed: Under Government Code Section 87100 no public official shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Government Code Section 87103 states that a public official has a financial interest in a decision if the decision would have a reasonably foreseeable material financial effect on certain financial interests. Officials have difficulty in determining when the effect of a decision would be material.

Purpose and Factual Basis: This proposed regulation defines when a person or business entity "appears" before a public official in connection with a decision. It describes when disqualification will or will not be necessary based on the person or business entity appearing before the official in connection with the decision and the type of decision being made. This regulation will provide additional guidelines to public officials to determine their need to disqualify themselves from participating in a governmental decision.

Studies and Reports Relied Upon: None.

Cost Estimates: There is no potential cost impact on private persons or businesses; public agencies or school districts; small businesses; or local, state, or federal government.

Use of Specific Technologies or Equipment: None

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FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

Adopt 2 Cal. Adm. Code Section 18702.1.

18702.1. Disqualification

(a) Except as provided in subsection (c), a public official shall not make, participate in making, or use his or her official position to influence a governmental decision if:

(1) Any person which has been a source of income (including gifts) to the official of \$250 or more in the preceding 12 months appears before the official in connection with the decision;

(2) Any business entity in which the official has a direct or indirect investment of \$1,000 or more, or in which the official is an officer, director, partner, trustee, employee, or holds any position of management, appears before the official in connection with the decision;

(3) The decision concerns the zoning or rezoning, annexation or deannexation, sale, purchase or lease, actual or permitted use, or inclusion in or exclusion from any city, county, district or other local government subdivision of, or taxes or fees assessed or imposed on, or any similar decision as to real property in which the official has a direct or indirect interest of \$1,000 or more;

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(4) The expenses or income of the official or his or her immediate family will be increased or decreased by at least \$250 by the decision; or

(5) It is reasonably foreseeable that the decision will have a material financial effect, as defined in 2 Cal. Adm. Code Sections 18702 or 18702.2, on a source of income (including gifts) to the official of \$250 or more in the past 12 months, on a business entity in which the official has a direct or indirect investment of \$1,000 or more or in which the official is an officer, director, partner, trustee, employee, or holds any position of management, or on any real property in which the official has a direct or indirect investment of \$1,000 or more.

(b) A person or business entity appears before an official in connection with a decision when that person or entity, either personally or by an agent:

(1) Requests the decision by filing an application, petition, appeal, or other written or oral request with the official or the official's agency;

(2) Is a named party in the proceeding concerning the decision before the official or the body on which the official serves;

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CONTINUATION SHEET  
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(Pursuant to Government Code Section 11380.1)

(3) Attempts to influence the decision by oral or written communications made directly to the official, by testimony or written communications made part of the written record before the official, or by statements, testimony or other oral or written presentations made at any public or private hearing or meeting before the official or the official's agency at which the official is present.

(c) Notwithstanding subsection (a) an official does not have to disqualify himself or herself from a governmental decision if:

(1) The effect of the decision on the official or his or her immediate family, on the source of income to the official, on the business entity in which the official has an investment or in which the official is a director, officer, partner, trustee, employee or holds a position of management, or on real property in which the official has a direct or indirect investment, will not be distinguishable from its effect on the public generally as defined in 2 Cal. Adm. Code Section 18703.

(2) The decision only affects the salary, per diem, or reimbursement for expenses the official or his or her spouse receives from a state or local government

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(Pursuant to Government Code Section 11380.1)

agency. This subsection does not apply to decisions to  
hire, fire, promote, demote, or discipline an  
official's spouse, or to set a salary for an official's  
spouse which is different from salaries paid to other  
employees of the spouse's agency in the same job  
classification or position.

(3) Although disqualification would otherwise be  
required under subsection (a)(1) or (a)(2), the  
decision will have no financial effect on the person or  
business entity who appears before the official.

AUTHORITY: Gov. Code Section 83112

REFERENCE: Gov. Code Section 87103

DO NOT WRITE IN THIS SPACE

The Grand Jury believes after reviewing these documents and based upon the opinions expressed therein, that the Kern County Planning Director and the Deputy Planning Director did and still do hold interests which require disqualification as to any decision which will have a reasonably foreseeable material financial effect upon the developer, Oak Creek Energy Systems, Inc. Because of their ownership of a wind turbine, they should not be involved in any aspect of wind energy to avoid both actual conflicts of interest and the appearance of such conflicts and should separate themselves from further involvement as a matter of sound public policy.

The Grand Jury expects our county officials, who serve the public at taxpayers' expense, to act in a manner above reproach. In the case just reviewed, it is considered that remarkably poor judgment was exercised by the Director of the Planning Department and his assistant.

## RETROSPECTION

The consideration of tax credits available to wind turbine owners were not our charge, nor part of our investigation. However, this tax credit aspect of windpark development continually surfaced and would have one wonder if this is the motivating force behind what the Grand Jury perceives as disorderly and rapid windpark development. The Grand Jury would be remiss in not mentioning this consideration. However, this aspect of windpark development can only be addressed by tax authorities.

It should again be mentioned that the concept of wind energy is not being debated, and not all windparks are out of compliance. The physical aspects relating to maintenance and abandonment remain a legacy for Kern County to resolve.

## RECOMMENDATIONS

1. THE GRAND JURY RECOMMENDS THAT THE BOARD OF SUPERVISORS REQUEST A CUMULATIVE ENVIRONMENTAL IMPACT REPORT FOR THE LAND ENCOMPASSING PRESENT AND FUTURE WINDPARKS.
2. THE 1984-1985 GRAND JURY STRONGLY URGES EACH MEMBER OF THE BOARD OF SUPERVISORS TO SUPPORT THE PUBLIC WORKS DIRECTOR IN HIS ASSESSMENT AND ADVICE CONCERNING NONCOMPLIANCE WITH THE WIND ENERGY ORDINANCE.
3. THE GRAND JURY RECOMMENDS THAT IN ORDER TO FULLY COMPREHEND CONTINUING COMPLAINTS AIMED AT APPROVED VARIANCES, THE BOARD OF SUPERVISORS SHOULD ACQUIRE FIRST-HAND KNOWLEDGE BY PERSONALLY VIEWING PUBLIC WORKS DEPARTMENT'S VIDEO TAPES AND BY ON-SITE INSPECTION OF THE AREAS OF CONCERN.
4. THE GRAND JURY RECOMMENDS THAT EACH MEMBER OF THE BOARD OF SUPERVISORS REVIEW THE GRAND JURY'S PHOTOGRAPHIC RECORDS OF AREAS IN QUESTION.
5. THE GRAND JURY RECOMMENDS THAT THE BOARD OF SUPERVISORS CONSIDER AND APPROVE AN ORDER THAT THE PLANNING DEPARTMENT DIRECTOR AND HIS DEPUTY REFRAIN FROM PARTICIPATING IN ALL WIND ENERGY MATTERS ON BEHALF OF THE COUNTY OF KERN SO LONG AS THEY HOLD THEIR CURRENT INTERESTS IN A WIND TURBINE IN ORDER TO AVOID ACTUAL CONFLICTS OF INTEREST AND THE APPEARANCE OF SUCH CONFLICTS.

SUPPORT DOCUMENTS

1. Negative Declaration
2. Initial Study Review - Negative Declaration
3. Office Memorandum: Environmental Consultations
4. Tehachapi Resource Conservation District
5. Tehachapi Resource Conservation District
6. Memorandum - Environmental Health Division
7. Letter of Protest
8. Page 3 - Proposed Wind Energy Ordinance, Minority Report
9. Letter of Opposition
10. S.O.S. Article - Tehachapi News
11. Sierra Club Correspondence
12. Sierra Club Correspondence
13. Kern County Building Inspection Department - Correspondence  
Concerning Compliance
14. Sierra Club Correspondence
15. U.S. Department of Agriculture - Tehachapi Field Office
16. California Energy Commission
17. Kern County Office Memorandum: Status of Machines of Cannon  
I & II
18. Tehachapi Wind Parks
19. Department of Public Works - Compliance Letter - (One of  
Many)
20. Sierra Club Correspondence

## NEGATIVE DECLARATION

### TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970 (CEQA),\* the State CEQA Guidelines,\*\* and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines,\*\*\* the Kern County department, identified below, has made an Initial Study of possible environmental impacts of the following-described project:

**APPLICANT:** (1) Cannon Financial Group, Inc.; (2) Cannon Capital Group

**APPLICATION:** (1) Zone Change Case #2, Map #168; Zone Change Case #1, Map #180; Zone Change Case #2, Map #197; and Zone Change Case #7, Map #198; (2) Zone Change Case #6, Map #197 and Zone Change Case #8, Map #197

**LOCATION:** (1) Portion of Section 1, T11N, R14W, S88&M; Portion of Section 6, T11N, R13W, S88&M; Portion of Section 33, T12N, R13W, S88&M; Portion of Section 31, T32S, R35E, M08&M; located generally in the Cameron Canyon area, southerly of State Route 58, east of Tehachapi; (2) Portion of Section 6, T11N, R13W, S88&M; located generally in the Cameron Canyon area, east of Tehachapi, County of Kern, State of California

**DESCRIPTION OF PROPOSED PROJECT:** (1) This is a zone change from E-8 R-S (20-acre Estate - Suburban Residential) to E-8 R-S W-E (20-acre Estate - Suburban Residential - Wind Energy) and A W-E (Exclusive Agricultural - Wind Energy); A-1 (Light Agricultural) to A W-E (Exclusive Agricultural - Wind Energy); and E-8 R-F (20-acre Estate - Recreational Forestry) and A-2 (General Agricultural) to A W-E (Exclusive Agricultural - Wind Energy); to permit development of wind energy farms on approximately 617 acres. Developer proposes to install an unspecified number of wind turbine generators for energy production. Tower height is 60 feet with a 39-foot blade in diameter. (2) A change in zone classification from A-1 (Light Agricultural) to A W-E (Exclusive Agricultural - Wind Energy)

**MITIGATION MEASURES** Included in the Proposed Project to Avoid Potentially Significant Effects (if required):

In implementation of the Wind Energy zone, the following mitigation measures shall apply:

1. Development to comply with the following geologic measures:
  - a. Any permanent structures constructed on site should be designed to at least minimum requirements for Seismic Zone 4, based on the latest edition of the Uniform Building Code. If habitable structures are planned on this property, it is recommended that subsurface exploration be performed at the proposed building site(s) to verify the absence or presence of fault traces.
  - b. Wind turbine locations be such that in the event of collapse, the machine will not damage structures on this or adjacent properties.
  - c. To minimize the effects of soil creep and possible surficial slumping, foundations for structures or towers should extend through the surficial soil into bedrock. If towers are to be located in deep alluvial areas, a soils engineering report is recommended to provide foundation recommendations.
  - d. Site grading be such that erosion of surficial soils, cut and fill slopes, and access roads be minimized.
2. Applicant shall contact and comply with any measures proposed by the Soil Conservation Service and the Tehachapi Resource Conservation District for erosion control.
3. During actual development of the property, if subsurface cultural resources are encountered, they shall be left in place and a qualified archaeologist shall be called in to examine the findings. Work shall not resume until the archaeologist has reviewed the findings, made recommendations for their removal or preservation, and had a reasonable opportunity to carry out any necessary mitigation procedures.
4. Provide a 30-foot radius of clear area at the base of each tower for fuel break.
  - a. No access road is to be greater than 15% grade or less than 20 feet wide.

**AGENCY CONSULTATION REQUIRED:** ☒ Yes ☐ No

DOCUMENT #1

AGENCIES CONSULTED: State Clearinghouse; K.C. Public Works/Roads; K.C. Public Works; K.C. Health Dept; K.C. Fire Dept.; K.C. Water Agency; Soil Conservation Service; Resource Conservation District - Tehachapi

INITIAL STUDY PREPARED BY: Fred Simon/KERN COUNTY PLANNING DEPARTMENT

FINDINGS: It has been found that this project, as described and proposed to be mitigated herein, will not have a significant effect on the environment, and that an environmental impact report (EIR) is, therefore, not required by the CEQA. A brief statement of reasons supporting such findings is as follows:

1. There does not appear to be a substantial body of opinion that considers or will consider the various anticipated environmental effects resulting from the proposed action to be adverse.
2. Proposed development would not appear to create a domestic (industrial, agricultural) water demand which might substantially degrade or deplete groundwater resources; nor would it interfere substantially with present groundwater recharge capabilities.
3. Proposed action (development) should not breach published national, state, or local standards relating to solid waste or litter control.
4. Proposed project would not appear to have any potential for disruption or alteration of (1) an archaeological site over 200 years old, (2) a historic site of record, or (3) a paleontological site.
5. Proposal would not appear to cause a substantial increase in traffic as it would relate to existing traffic loads and capacities of the circulation system serving the site.

Any person may object to dispensing with such EIR or respond to the findings herein. Information relating to the proposed project is on file in the offices of the department identified below, at the address shown below. Any person wishing to examine or obtain a copy of that information or this document, or seeking information as to the time and manner to so object or respond, may do so by inquiring at said offices during regular business hours.

A copy of the Initial Study is attached hereto.

Dated this 28th day of June, 1983  
Dated this 24th day of September, 1984 *S.H.S.*

1103 Golden State Avenue

KERN COUNTY PLANNING DEPARTMENT

Bakersfield, California 93301

By: *Fred Simon*

(805) 861-2615

FRED SIMON, Principal Planner

DATE POSTED:

DATE OF NOTICE TO PUBLIC:

\* Public Resources Code, Section 21000, et seq.  
\*\* Title 14, Division 6, California Administrative Code, as amended  
\*\*\* Resolution No. 77-109, adopted March 1, 1977

Attachment

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FINDINGS: It has been found that this project, as described and proposed to be mitigated herein, will not have a significant effect on the environment, and that an environmental impact report (EIR) is, therefore, not required by the CEQA. A brief statement of reasons supporting such findings is as follows:

1. Proposed development would not appear to create a domestic (industrial, agricultural) water demand which might substantially degrade or deplete groundwater resources; nor would it interfere substantially with present groundwater recharge capabilities.
2. Proposed project would not appear to substantially affect a rare or endangered species of animal or plant or habitat of such species. Proposal would not diminish habitat for fish, wildlife, or plants.
3. Proposed project would not appear to interfere substantially with the movement of any resident or migratory wildlife species.
4. Proposed action would not appear to violate any ambient air quality standard, contribute substantially to an existing or potential air quality violation, or expose sensitive receptors to substantial pollutant concentration.
5. Proposed action (development) should not breach published national, state, or local standards relating to solid waste or litter control.

Any person may object to dispensing with such EIR or respond to the findings herein. Information relating to the proposed project is on file in the offices of the department identified below, at the address shown below. Any person wishing to examine or obtain a copy of that information or this document, or seeking information as to the time and manner to so object or respond, may do so by inquiring at said offices during regular business hours.

A copy of the Initial Study is attached hereto.

Dated this 11th day of June, 1984.

1103 Golden State Avenue

KERN COUNTY PLANNING DEPARTMENT

Bakersfield, California 93301

By: *Fred Simon*

(805) 861-2387

FRED SIMON, Principal Planner

DATE POSTED:

DATE OF NOTICE TO PUBLIC:

\* Public Resources Code, Section 21000, et seq.  
\*\* Title 14, Division 6, California Administrative Code, as amended  
\*\*\* Resolution No. 77-109, adopted March 1, 1977

Attachment

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KERN COUNTY PLANNING DEPARTMENT

INITIAL STUDY REVIEW

PROPOSED PROJECT (title): Zone Change No. 2, Map No. 168; Zone Change No. 1, Map No. 180, Zone Change No. 2, Map No. 197, Zone Change No. 7, Map No. 198.

LOCATION: Portion of Section 1, T11N, R14W, SBB&M; Portion of Section 6, T11N, R13W, SBB&M; Portion of Section 33, T12N, R13W, SBB&M; Portion of Section 31, T32S, R33E, MDB&M; located generally in the Cameron Canyon area southerly of State Route 58, east of Tehachapi.

PROJECT DESCRIPTION: This is a zone change from E-8 R-S (20-acre Estate - Suburban Residential) to E-8 R-S WE (20-acre Estate - Suburban Residential - Wind Energy) and A-WE (Exclusive Agricultural - Wind Energy); A-1 (Light Agricultural) to A-WE (Exclusive Agricultural - Wind Energy); and E-8 R-F (20-acre Estate - Recreational Forestry) and A-2 (General Agricultural) to A-WE (Exclusive Agricultural - Wind Energy); to permit development of wind energy farms on approximately 617 acres. Developer proposes to install an unspecified number of wind-turbines generators for energy production. Tower height is 60 feet with a 39-foot blade in diameter.

ENVIRONMENTAL SETTING: Project site is located on the ridges above Cameron Canyon and State Highway Route 58 at elevation between 4,200 and 4,800 feet MSL. Terrain is mountainous with some slopes in excess of 30%. Site is located within 1 mile of the Garlock Fault, a designated Alquist Priolo Fault zone. Several epicenters are noted in the vicinity of the project site. Soils are quite varied and include Arruyo sandy loam 9-15%; Cinco gravelly loamy sand 50-75%; Hi Vista sandy loam 2-9%; Torriorthents-Rock outcrop complex, very steep; Walong sandy loam 15-30%; and Xeric Torriorthents, very steep. All have moderate to very high erosion potential due to runoff and wind. Vegetation on site is a transition zone between Joshua Tree Woodland and the Blue Oak Phase of Oak-Woodland Association. This vegetation sustains a healthy fauna complement. Site is vacant, although several residences exist in Cameron Canyon below the site.

# I. IDENTIFICATION OF ENVIRONMENTAL EFFECTS

**PURPOSE:** To provide for a preliminary analysis to determine whether an environmental impact report (EIR) or a negative declaration must be prepared (Section 15029.5). If any of the effects of a project may have a substantial adverse impact on the environment, then an EIR must be prepared (Section 15080).

**INSTRUCTION:** In the space opposite the existing characteristics and conditions, check the possible degree of effect as explained below.\*

DEGREE OF EFFECT						EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
*N/A	1	2	3	4	U		
						I. Physical	
						A. Natural and Man-made Phenomena	
						1. Natural Phenomena	
			X			a. Visual	VISABLE FROM ST. RT. 58
						b. Surface Hydrology	
		X				(1) Quality	NATURAL DRAINAGE CHANNELS
		X				(2) Quantity	SHOULD NOT BE BLOCKED
			X			(3) Drainage Patterns	OR ALTERED BY THE
			X			(4) Runoff	PLACEMENT OF WIND
		X				(5) Flooding	GENERATORS
		X				(6) Catchment/Retention	CONCENTRATED FLOWS CAN CAUSE
		X				(7) Temperature of Water	SEVERE GULLY EROSION
		X				(8) Evapotranspiration (ET)	
						c. Groundwater Hydrology	
		X				(1) Quality	SOILS ON ZC <sup>2</sup> , 168 & ZC <sup>1</sup> , 180
		X				(2) Quantity	HAVE MODERATE SHRINK SWELL
		X				(3) Recharge	FOR BUILDINGS
						d. Landforms	
		X				(1) Unique Physical Features	SEE SOILS ENGINEER'S SPECIFIC
	X					(2) Landslides	CONSTRUCTION RECOMMENDATIONS
						e. Geology	
		X				(1) Faulting (Seismic Hazards)	SOILS HAVE MODERATE TO HIGH EROSION
		X				(2) Economic Mineral Resources	POTENTIAL. DISTURBED AREAS
		X				(3) Construction Material	NEED REVEGETATION TO PREVENT
		X				(4) Soils	EROSION FROM WIND & WATER.
			X			(a) Compaction	CUT/FILL SLOPES NOT IN PARTIAL
			X			(b) Alteration	NATURAL VEGETATION PROTECTION
			X			(c) Erosion	

\* (N/A) Not Applicable

(1) No effect

(2) Slight effect

(3) Moderate effect; mitigation measure should be employed

(4) Significant effect; mitigation measure required (Section 15080)

(U) Unknown; additional information necessary to provide competent assessment

DEGREE OF EFFECT							EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
*N/A	1	2	3	4	U			
							f. Climate/Meteorology	AREA SUBJECT TO SEVERE SUMMER AND FALL THUNDERSTORM ACTIVITY
			X				(1) Severe Weather	
			X				(2) Precipitation	
			X				(3) Air Movement	
		X					(4) Temperature	
		X					(5) Moisture Content	
							g. Vegetation (Flora)	
			X				(1) Trees	
			X				(2) Shrubs	
			X				(3) Grass	
		X					(4) Microflora	
		X					(5) Crops	
	X						(6) Aquatic Plants	
		X					(7) Endangered Species	
		X					(8) Barriers	30' RADIUS FUEL BREAK REQUIRED
		X					(9) Corridors	
			X				(10) Fire	
							h. Animals (Fauna)	TURNING POTENTIAL HAZARD TO BIRDS
			X				(1) Birds	
		X					(2) Land Mammals/Reptiles	
X							(3) Fish	
	X						(4) Insects	
	X						(5) Microfauna	
	X						(6) Endangered Species	
	X						(7) Barriers	
		X					(8) Corridors	
							2. Man-made Phenomena	
							a. Aesthetics/Human Interest	RINGS HAVE OPEN SPACE QUALITIES
			X				(1) Scenic Areas	
		X					(2) Wilderness Areas	
		X					(3) Open-space Qualities	
		X					(4) Unique Physical Features	
		X					(5) Parks/Reserves	
		X					(6) Historical Sites/Monuments	
			X				(7) Archeological	
		X					b. Structure Shadows	
		X					c. Illumination	
							B. Air and Noise Pollution	
							1. Air Quality	
		X					a. Mobile Emissions	
		X					b. Stationary Emissions	
							2. Noise (and Vibrations)	
		X					a. Mobile Sources	
		X					b. Stationary Sources	
			X				c. Natural Absorbers/Barriers	INCREASES NOISE LEVELS DUE TO ACTIVITY

DEGREE OF EFFECT						EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
*N/A	1	2	3	4	U		
						<b>C. Transportation</b>	
		X				1. Vehicle Quantities	
		X				2. Vehicle Capacities/Congestion	
		X				3. Parking	
		X				4. Mass Transit	
			X			5. Hazards	
						<b>D. Land Use and Zoning</b>	
		X				1. Density, Conformance, & Relationships of Surrounding Land Uses	
		X				2. Wilderness/Open Space	
	X					3. Wetlands	
	X					4. Forestry	
			X			5. Grazing	
	X					6. Agriculture	
	X					7. Residential	
	X					8. Commercial	
	X					9. Industrial	
						10. Recreation	
		X				a. Hunting/Fishing	
X						b. Swimming/Boating	
	X					c. Camping/Hiking	
	X					d. Day Use/Picnicking	
	X					e. Equestrian Use	
	X					f. Off-road Vehicles/Motorcycles	
						<b>E. Service Systems</b>	
		X				1. Electrical	
		X				2. Fuel	
	X					3. Domestic Water	
	X					4. Agriculture Water	
	X					5. Fire Water Supply	
	X					6. Sewerage	
		X				7. Solid Waste	
		X				8. Storm Drainage	
						<b>II. Socio-Economic</b>	
						<b>A. Public Facilities (in vicinity)</b>	
	X					1. Police	
	X					2. Fire	
	X					3. Recreation	
	X					4. Schools	
	X					5. Institutions	
	X					6. Medical	
	X					7. Child Day Care	
						<b>B. Demographic</b>	
		X				1. Population	
		X				2. Work Force (employment)	

20' WIDG ACCESS GRADS NO  
STEEPEN THAN 15 %  
REQUIRED

INCREASED CONSTRUCTION HAZARD

LOSS OF GRAZING LAND

DEGREE OF EFFECT						EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
*N/A	1	2	3	4	U		
						C. Economic	
		X				1. Revenue Sources	
		X				2. Government Expense	
		X				3. Market Area	
						III. Other	
		X				A. Risk of Upset	
		X				B. Human Health	

## II. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15082)

Finding	Yes	Maybe	No	Remarks
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		POTENTIAL FOR SERIOUS SOIL EROSION IF CORRECTIVE MEASURES NOT APPLIED.
(b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)		X		"
(c) Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)			X	
(d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		Steep Slopes High erosion & Fluv Hazard.

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (items checked in "Box 4")

A review of the information submitted and additional investigation indicate that this project MAY/~~MAY NOT~~ have a significant adverse impact on the environment. REASONS (brief statement of facts):

SOME SIGNS OF EROSION POTENTIAL  
VISIBLE FROM Hwy 58  
POTENTIAL GRASSLAND FIRES

IV. COMPATIBILITY WITH EXISTING GENERAL PLAN ELEMENTS AND ZONING

Yes X No \_\_\_\_\_ (Explain if "No" is checked.)

V. DETERMINATION (to be completed after review by the Environmental Department)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Initial Study  
Performed by: F. Simon

Date Study  
Completed: 5-6-83

Reviewed by Environmental Department

Date of Review: \_\_\_\_\_

By: \_\_\_\_\_

Decision: \_\_\_\_\_ A. Negative Declaration \_\_\_\_\_ B. E.I.R.

# 1

KERN COUNTY PLANNING DEPARTMENT

INITIAL STUDY REVIEW

SECT  
PER

SECTION I. PROJECT DESCRIPTION SETTING

PROPOSED PROJECT: Zone Change Case No. 28, Map No. 198

LOCATION: NE/4, of the NE/4 of Section 10, T11N, R14W, SBB&M

PROJECT DESCRIPTION: Applicant proposes to amend the existing zoning, classification of E-8 R-S (20-acre Estate - Suburban Residential) to include the W-E (Wind Energy) overlay. Applicant has indicated that 28 wind turbines will be established on the 40-acre site. No sewage disposal or on-site water source is proposed. Applicant has not indicated where storage of equipment or accessory structures would be located.

ENVIRONMENTAL SETTING: A portion of the project site is within the Garlock Fault Zone (Special Studies Zone). Site is additionally evidenced by steep slopes with high erosion hazard. One dwelling unit is immediately downslope (660 feet) adjacent to a drainage channel. Approximately a dozen residences are within 1/2 to 1 mile of the site. No on-site Biota Survey has been submitted, however a Biota Survey prepared for an adjacent wind farm (SCH# 83052703) indicates the following protected species were located on their site:

- Prickly Pear Cactus (*Opuntia basilaris*)
- Yucca brevifolia* (Kern Joshua tree)
- Yucca whipplei caespitosa* (Lord's candle yucca)
- Kennedy Buckwheat (*erigonum Kennedy; austromontanum*)
- Perideridea (perideridea pringlei)*

Soils found on the site are Cinco gravelly loamy sand, 50 to 75 percent slopes and Walong - Arup sandy loam, 30 to 50 percent slopes. Several drainage channels originate from the project site.

MSK:pjw



## SECTION II. IDENTIFICATION OF ENVIRONMENTAL EFFECTS

**PURPOSE:** To conduct an Initial Study to determine if the project may have a significant effect on the environment. If any aspect of the project may cause a significant effect, whether the overall effect is adverse or beneficial, then an EIR must be prepared.

**INSTRUCTIONS:** In the space opposite the existing characteristics and conditions, check the possible degree of effect. (See \* below for explanation of degree.) Provide a written explanation of any characteristic or condition marked "3," "4," or "U." Explanation for "1," "2," or "N/A" may be provided.

DEGREE OF EFFECT*						EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
N/A	1	2	3	4	U		
						A. Physical Conditions	
						1. Water Resources	
						a. Groundwater Hydrology	
						1) Quality	
						2) Quantity	
						3) Recharge	
						b. Surface Hydrology	
						1) Quality	
						2) Quantity	
						3) Drainage Patterns	
						4) Runoff	
						5) Flooding	
						6) Catchment/Retention	
						7) Temperature of Water	
						8) Evapotranspiration (ET)	
						2. Geology/Seismicity	
						a. Faulting	
						b. Landslides	
						c. Subsidence	
						d. Liquefaction	
						3. Natural Resources	
						a. Minerals	
						b. Petroleum	
						c. Construction Material	
						d. Soils	
						1) Capability	
						2) Compaction	
						3) Alteration	
						4) Erosion	

\*Explanation: Degree of Effect

(N/A) Not applicable

(1) No effect

(2) Slight effect

(3) Moderate effect; mitigation measure should be employed

(4) Significant effect; mitigation measure required (Section 15063)

(U) Unknown; additional information necessary to provide competent assessment

Site is a small knoll w/ drainage will flow in all directions, one D.U. immediate downslope of project

structures shall be designed for lateral acceleration. Project site within the GARLOCK special studies zone

Cinco generally loamy sand so to slopes - U(1) capability  
 & along - Arujo sandy loam 30-50% slopes - U(2) capability  
 2. Development on steep slope need better topo map to determine extent of alteration and grading  
 erosion hazard is high

DEGREE OF EFFECT\*

1/A 1 2 3 4 U

EXISTING CHARACTERISTICS & CONDITIONS

REMARKS

2 OF 33  
12 1

4. Climate

- a. Precipitation
- b. Air Movement
- c. Temperature
- d. Humidity
- e. Severe Weather

5. Air Quality

- a. Mobile Sources
- b. Stationary Sources

6. Vegetation

- a. Trees
- b. Shrubs
- c. Grass
- d. Microflora
- e. Endangered Species
- f. Barriers
- g. Corridors
- h. Fire

7. Wildlife

- a. Birds
- b. Mammals
- c. Reptiles
- d. Fish
- e. Insects
- f. Microfauna
- g. Endangered Species
- h. Barriers
- i. Corridors

8. Noise & Vibrations

- a. Mobile Sources
- b. Stationary Sources
- c. Barriers

9. Human Interest

- a. Wilderness Areas
- b. Open-space Qualities
- c. Visual Value
- d. Unique Physical Features

3. Social Conditions

1. Parks & Recreation

- a. Park Capacities
- b. Hunting/Fishing
- c. Swimming/Boating
- d. Camping/Hiking
- e. Day Use
- f. Equestrian Use
- g. Off-road Vehicles/Motorcycles

Timing of improvements (resurfacing & grading permit req.) to occur prior to summer rains and winter rainy season is critical

Need on-site Biota Survey

Need on-site Biota Survey

Several dwelling units within close proximity of proposed wind farm construction noise for short period of time

REF OF EFFECT*						EXISTING CHARACTERISTICS & CONDITIONS	REMARKS
1	2	3	4	U			
						2. Human Habitation	
						a. Land Use Relationships, Density Conformance	
						1) Residential	<p>CONFLICT with NOISE element STANDARDS - ? Additional setbacks may be necessary due to residences adjacent to project.</p> <p>2 PORTION OF SITE HAS GOOD GRAZING characteristics</p>
						2) Commercial	
						3) Industrial	
						4) Agriculture	
						5) Grazing	
						6) Open Space	
						7) Natural Areas	
						b. Demographics	
						1) Population	
						2) Work Force	
						c. Structures	
						1) Design	<p>Project will be visible to CAMERON CANYON resident.</p> <p>3 SOME REFLECTION WILL OCCUR</p>
						2) Illumination	
						3. Transportation/Circulation	
						a. Vehicle Quantities	
						b. Vehicle Capacities/Congestion	
						c. Parking	<p>4 STORAGE equipment where?</p>
						d. Mass Transit	
						e. Hazards	
						4. Economic Development	<p>ACCESS ROAD upslope from drainage channel and at least one dwelling unit.</p>
						a. Revenue Sources	
						b. Government Expense	
						c. Market Area	
						5. Social Development	
						a. Law Enforcement	
						b. Fire Protection	<p>5 PLAN REQUIRED</p>
						c. Educational Facilities	
						d. Medical Facilities	
						e. Child Day-care	
						6. Service Systems	
						a. Water Supply - Domestic	<p>6 NONE indicated</p> <p>7 NONE provided</p>
						b. Sewage Disposal	
						c. Solid Waste Disposal	
						d. Resource Recovery Systems	
						e. Water Supply - Agriculture	
						f. Storm Drainage	<p>8 SYSTEM may be required</p>
						7. Energy	
						a. Electrical	
						b. Natural Gas	
						c. Petroleum Fuels	
						d. Transmission Facilities	
						e. Forms of Generation	
						8. Human Health/Risk of Upset	
						a. Health	<p>NOISE erosion, sedimentation</p>
						b. Risk of Upset	

### Finding

(a) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

KCPD Form #122 (1/84)

SECTION IV. COMPATIBILITY WITH GENERAL PLAN ELEMENTS AND ZONING

General Plan Designation:

Land Use Element 4.3 (SPECIFIC PLAN)

Other Element(s) \_\_\_\_\_

Zoning:

E-B R-3  
(20 ACRE ESTATE SUBURBAN  
RESIDENTIAL)

Specific Plans CAMERON CANYON

Compatible: Yes    No    Explain if "No": \_\_\_\_\_

SECTION V. EVALUATOR RECOMMENDATION

Negative Declaration \_\_\_\_\_

Mitigated Negative Declaration   X  

Environmental Impact Report \_\_\_\_\_

If a mitigated negative declaration is recommended, the following measures are recommended:

*See attached*

Initial Study performed by: Mark S. Kieley

Date completed: 8/31/84

SECTION VI. DETERMINATION

On the basis of this initial study:

☐ I find that the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described will be made a part of the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

(The attached sheet, if necessary, provides additional explanation.)

Determination  
Made by : RA

Date of  
Decision: 8/31/84

# Office Memorandum • KERN COUNTY

TO : Randall L. Abbott, Director  
Kern County Planning Department  
Attention: Environmental Analysis Division

FROM: *VB* Vernon S. Reichard, Director  
Environmental Health Division  
Kern County Health Department

SUBJECT: Environmental Consultations For:

DATE: July 3, 1984

Telephone No. 861-3636

- 1) Z. C. Cases 23, 24 and 25, Map 198
- 2) Z. C. Case 5, Map 182
- 3) Z. C. Case 27, Map 198

The subject cases involve a requested change of zone to Exclusive Agriculture-Wind Energy (A W-E), which would allow wind turbines to be constructed on the property. The chief concern of the Health Department on this type of zoning is the potential for nuisance noise from these machines.

Noise from wind turbine arrays may be audible for several miles depending on the number and type of machines, the characteristics of local meteorology and topography, and the distance separating the machines from sensitive or highly sensitive receivers of noise. Unfortunately, none of this information is included in the environmental documents.

It is our opinion that a negative declaration would be inappropriate for these cases unless it is indicated whether there are any sensitive or highly sensitive land uses (see page 21 of Noise Element for examples) within one mile down wind or one-half mile in any other direction of the proposed zoning. If any sensitive or highly sensitive land uses are within these distances, an acoustical analysis, prepared by a person acceptable to the Health Department, should be included in the environmental documents. The report should be approved by the Health Department, and appropriate recommendations of the study should be included as mitigation measures of the Negative Declaration.

If you have any questions, please contact us.

VER:ms

cc: State Department of Health Services, Office of Noise Control  
Attention: Jerome S. Lukas

K.C. PLANNING  
DEPARTMENT  
RECEIVED

84 JUL 6 9:12

DATE	INFO	ACT	INIT
		DIRECTOR	
		DEP DIR / ADM	
		PLAN DEVELOP	
✓		ENV ANALYSIS	
		PLAN IMPLEMENT	
		LAND DIVISION	
		PROP & TECH	
		ACCOUNTING	
		WFF PROCESS	
		LIBRARY	
		FILE	
		SEE DIRECTOR	

K.C. PLANNING  
DEPARTMENT  
RECEIVED



Tehachapi Resource Conservation District

120 E. Tehachapi Blvd. · Tehachapi, CA 93561 · Phone (805) 822-6511 822-7506

84 AUG 8 P 2:18

7 August, 1984

Mark S. Kielty, Associate Planner  
Kern County Planning Department  
1103 Golden State Avenue  
Bakersfield, CA 93301

Dear Mr. Kielty:

DATE	8/7/84
TIME	2:18 PM
FROM	MARK S. KIELTY
TO	ERNEST J. SCHAEFER
SUBJECT	TEHACHAPI RESOURCE CONSERVATION DISTRICT
FILE	SEE DIRECTOR

The following comments are in response to your request for early consultation on Zone Change #28, Map 198:

1) The applicant's statement on erosion and sedimentation reflect many of the concerns we have been addressing.

2) Your office should make a site visit, or otherwise confirm the tower placement on the gentle ridge-top slopes as indicated in the referred documents.

3) Is your office addressing the incremental impact of the numerous wind energy developments being processed?

4) What is the distance of this project to existing residences and what impacts will this project have on residentially zoned property?

\*  
\*  
5) We are very concerned about the manner in which the county is processing these zone changes. Our concerns were expressed in a letter to Randall L. Abbott, Planning Director, dated May 7, 1984. You were mailed a copy of our letter to Mr. Abbott on June 5th along with comments on Zone Change #22, Map 198. It is still our position that the county or the wind energy developers should prepare an environmental impact report for all lands covered by W-E (Wind-Energy) zoning. If your department would visit existing project sites, proof and "substantial evidence for the record" of environmental impact would be obvious. Soil erosion from recent storms on two windparks has been severe enough to cause Kern County Public Works Department Director, L. Dale Mills, to contact developers. The current county inspection and review process is not adequate to prevent massive land surface disturbance and resulting sheet and rill erosion. Supervision and inspection during construction is not adequate to protect existing vegetation even though several species are covered by County Ordinance 250. Loss of vegetation should be considered an environmental impact.

We appreciate the opportunity to comment on this project. Please notify us of your actions on this case.

Sincerely,

EJS/ibm  
cc: Supervisor Ben Austin  
L. Dale Mills

Ernest J. Schaefer, President  
Tehachapi Resource Conservation District



Tehachapi Resource Conservation District

120 E. Tehachapi Blvd. • Tehachapi, CA 93561 • Phone (805) 869-4601

822-7506

84 AUG 13 P 3:38

7 August, 1984

DATE	INITIALS	REMARKS
		DIRECTOR
		PLANNING
		ENGINEERING
		ENVIRONMENTAL
		RECORDS
		SALES
		TRAINING
		ADMINISTRATION
		PROPERTY
		LEGAL
		FINANCE
		GENERAL
		OFFICE
		SECRETARY
		FILE
		SPE. DIRECTOR

Mark S. Kielty, Assistant Planner  
Kern County Planning Department  
1103 Golden State Avenue  
Bakersfield, CA 93301

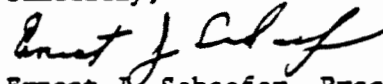
Dear Mr. Kielty:

The following comments are in response to your request for consultation on proposed negative declaration for Zone Change #27, Map 198:

- 1) The layout map for the subject property indicates that turbine placement will be restricted to gentle slopes on the ridgetop. We suggest that you make this type of placement a condition of zoning.
- 2) The access for this project should be arranged with Zond Systems, Inc. to avoid major new road construction from Cameron Canyon Road.
- 3) On page 5 of 14 there is reference to a "possible" rain water storage device for wildlife. Is this a proposed mitigation measure? This would be a beneficial habitat enhancement measure.
- 4) We are very concerned about the manner in which the county is processing these zone changes. Our concerns were expressed in a letter to Randall L. Abbott, Planning Director, dated May 7, 1984. You were mailed a copy of this letter to Mr. Abbott on June 5th along with comments on Zone Change #22, Map 198. It is still our position that the county or the wind energy developers should prepare an environmental impact report for all lands covered by W-E (Wind-Energy) zoning. If your department would visit existing project sites, proof and "substantial evidence for the record" of environmental impact would be obvious. Soil erosion from recent storms on two windparks has been severe enough to cause Kern County Public Works Department Director, L. Dale Mills, to contact developers. The current county inspection and review process is not adequate to prevent massive land surface disturbance and resulting sheet and rill erosion. Supervision and inspection during construction is not adequate to protect existing vegetation even though several species are covered by County Ordinance 250. Loss of vegetation should be considered an environmental impact.

We appreciate having the opportunity to comment on this project. Please notify us of your actions on this case.

Sincerely,



Ernest J. Schaefer, President  
Tehachapi Resource Conservation District

EJS/lbm

cc: Supervisor Ben Austin  
L. Dale Mills



NOTED  
#5  
Terry Roberts  
STATE CLEARINGHOUSE  
1400 Tenth Street, Room 121

Date : October 5, 1984

Subject: ZC Case 28, Map 198  
SCH #84071604

From : ENVIRONMENTAL HEALTH DIVISION  
714 P Street  
322-2308

The Department has reviewed the subject environmental document and offers the following comments.

The Negative Declaration does not adequately address the potential noise impacts on adjacent dwellings. It has been the experience of this Department that most people who do not have an economic association with a wind farm will be highly annoyed by the mere audibility of wind turbine noise. This is perhaps due in part to the spectral character of the noise as well as the complainant's prior association with his noise environment.

The Department suggests that the applicant prepare a focused EIR on noise levels from the proposed project. Existing and projected noise levels should be reported. Additionally, spectral data at various wind velocities should be included for both existing and projected conditions as well as for daytime and nighttime conditions.

It is also suggested that the County impose use permit requirements to limit noise from the proposed wind farm at existing and proposed residential sites. Because of the unusual character of the noise, traditional limits in terms of sound level alone may not be adequate. A limit near the threshold of audibility is recommended.

If you have any questions or need further information concerning these comments, please contact Russell DuPree of the Noise Control Program, Office of Local Environmental Health Programs, at 2151 Berkeley Way, Room 613, Berkeley, CA 94704, 415/540-2657.

  
Stuart E. Richardson, Jr., R.S., Chief  
Office of Local Environmental Health Programs

RECEIVED  
OCT 10 1984  
OFFICE OF PLANNING  
& RESEARCH

#4

## Tehachapi Resource Conservation District

120 E. Tehachapi Blvd. - Tehachapi, CA 93361 - Phone (805) 305-3000 322-7306

84 AUG 8 P 2:18

7 August, 1984

Mark S. Kielty, Associate Planner  
 Kern County Planning Department  
 1103 Golden State Avenue  
 Bakersfield, CA 93301

Dear Mr. Kielty:

The following comments are in response to your request for early consultation on Zone Change #28, Map 198:

- 1) The applicant's statement on erosion and sedimentation reflect many of the concerns we have been addressing.
- 2) Your office should make a site visit, or otherwise confirm the tower placement on the gentle ridge-top slopes as indicated in the referred documents.
- 3) Is your office addressing the incremental impact of the numerous wind energy developments being processed?
- 4) What is the distance of this project to existing residences and what impacts will this project have on residentially zoned property?
- 5) We are very concerned about the manner in which the county is processing these zone changes. Our concerns were expressed in a letter to Randall L. Abbott, Planning Director, dated May 7, 1984. You were mailed a copy of our letter to Mr. Abbott on June 5th along with comments on Zone Change #22, Map 198. It is still our position that the county or the wind energy developers should prepare an environmental impact report for all lands covered by W-E (Wind-Energy) zoning. If your department would visit existing project sites, proof and "substantial evidence for the record" of environmental impact would be obvious. Soil erosion from recent storms on two windparks has been severe enough to cause Kern County Public Works Department Director, L. Dale Mills, to contact developers. The current county inspection and review process is not adequate to prevent massive land surface disturbance and resulting sheet and rill erosion. Supervision and inspection during construction is not adequate to protect existing vegetation even though several species are covered by County Ordinance 250. Loss of vegetation should be considered an environmental impact.

We appreciate the opportunity to comment on this project. Please notify us of your actions on this case.

Sincerely,

EJS/ibm  
 cc: Supervisor Ben Austin  
 L. Dale Mills

Ernest J. Schaefer, President  
 Tehachapi Resource Conservation District

October 8, 1984

Mr. Randall Abbott  
Kern County Planning Director 84 OCT 9 P 3: 22

Dear Sir:

We are writing to oppose the proposed zone change designated as: Amendment to zoning map No. 198, Zone Change Case No. 27.

This change would place the boundary of another wind farm less than 3/8 of a mile from our homes.

We object to the proposed use of a Negative Declaration in this matter. The noise from the many machines on the Zond property to the Northwest of the proposed new wind farm is clearly audible to us at the present time. It is difficult for us to comprehend how your office can make the statement in a Negative Declaration that the installation of wind machines on the much closer pieces of property - as proposed - will not have a 'significant effect on the environment'.

We insist that an Environmental Impact Report (EIR) be prepared which will assess the cumulative effect of the various environmental factors such as noise, drain channel blockage, etc. that the proposed wind farm would exert when added to the present effects of the existing wind farms.

Sincerely,

Copies to:

H. Brooks Hollis 10-6-84

Supervisor Ben Austin  
Attorney G. P. Falk

Judith A. Yelton 10-7-84

H. Brooks Hollis  
Cameron Cyn. Rd., St. Rte 2  
Mojave, Calif. 93501

Paul S. Lee 10-7-84

(805) 822 4915

RT	INFO	ACT	INIT
		DIRECTOR	
		DEP DIR / ADM	
		PLAN DEVELOP	
		ENV ANALYSIS	
		PLAN IMPROVEMENTS	
		LAND DIVISION	
		PROP. & DEV.	
		ACQUISITION	
		CONSTRUCTION	
		LIBRARY	
		FILE	
		SEE DIRECTOR	

DOCUMENT #7

- COMMENTS -

Even if some of the listed additions and revisions are made, we still do not feel that the proposed ordinance will fulfill what the public expected of it or accomplish the goals for which the new Ad Hoc Committee was formed.

Let us cite a part of the letter we all received from Mr. Randall Abbott when we were notified of the first meeting of the newly constituted committee to be held June 8, 1984.

"The purpose of these meetings is to evaluate the public testimony presented at the meeting in Mojave on May 15, 1984, and then to prepare appropriate recommendations to be presented to the Board of Supervisors".

Since many of the items of public concern were not addressed by the majority of the Ad Hoc Committee, we would like to take this occasion to submit our own recommendations which, we feel, reflect the wishes of the general public.

The first item mentioned in the public testimony was the need for a Buffer Zone between wind farms and established residences. This item was never even seriously considered by the Committee. The majority seemed to feel that increased set-back requirements and the acoustical study requirement would be sufficient.

Although we feel that the above two requirements were positive gains for the public, it is still a piece-meal approach to a solution of the problem. A resident will still have to be on constant guard against encroachment by new developers.

A Buffer Zone around established residences - within which no wind farms would be allowed - would serve to restore the feeling of tranquility that residents previously enjoyed and would reduce the constant atmosphere of crisis that now prevails.

The second item of major concern to the citizens was that more detailed environmental documentation should be done for wind projects. Preparation of an Environmental Impact Report (EIR) was suggested. It was generally felt that an overall EIR should be made for all areas designated as W-E. A specific EIR could then be related to the overall EIR. This would facilitate analysis of potential problems and lead to their mitigation in a more comprehensive manner.

99 B

FILE

12/12/84

DEC 17 2 28 PM '84

To: Kern county board of supervisors <sup>CLERK</sup>  
1415 KRYSTAL AV <sup>BD. SUPERV. KERN CO. CAL.</sup>  
BAKERSFIELD CA. <sup>DEPUTY</sup>

Dear Sirs;

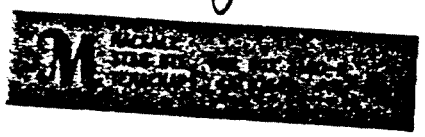
After attending the meeting at the Tehachapi Veterans hall with Mr. Randall Abbott, I am concerned with the proposal to put wind farms in the area of my home. I live at the end of Adalante st., south and west of the town. There is a proposal to put wind mills directly to the east of me. For a variety of reasons I oppose this development. They include loss of my property value, the lack of adequate regulation for erosion, noise, etc. and the destruction of the tehachapi area's beauty.

Please let me know when any hearings on this proposal, or any other proposal for development in my area, are being held.

Is there some overall plan for the development of this industry in Kern county or even Tehachapi?

I appreciate your help in this matter.

Dale A. Mackall  
Karen G. Mackall



FILED

JAN - 8 1985

<sup>CLERK OF BOARD OF SUPERVISORS</sup>  
D.J. POOLE  
DEPUTY

Code No. \_\_\_\_\_  
BY ORDER OF THE BD/SUPV.  
referred to Planning  
for reply  
Copies furnished Super Auditor  
Filed By BD/Supv.

*Tehachapi News*  
*1/25/85*

#### Formation of the SAVE OUR SURROUNDINGS Citizens Coalition

The wind energy industry has attracted the attention of many citizens. A local group of concerned citizens has been meeting consistently since the spring of last year. Calling itself Save Our Surroundings (SOS) Citizens Coalition, this group recently selected officers, with Bugs Fontaine as Chairperson.

While supporting renewable alternative sources of energy such as wind power, the Citizens Coalition also strives to work with Kern County governmental agencies, and when possible, the wind industry, to protect the rights and property values of citizens near wind farms and to protect the local environment from unnecessary and irreversible damage.

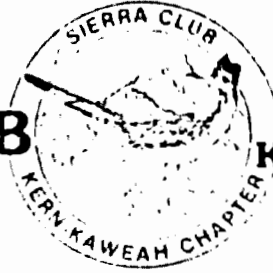
Citizens initially became involved when windfarms began appearing closer to homes in and around the Cameron Canyon area. Also, there was a growing concern for the native vegetation and wildlife, as well as the fragile soils where construction was taking place. Hearings, which were very well attended, were held by the Kern County Planning Department in Mojave. A group of Tehachapi-Mojave citizens began getting deeply involved by attending hearings, writing letters, making phone calls, and personally meeting with county officials.

The major effort was to strengthen the existing county wind energy ordinance, establish a buffer zone between windfarms and private property, and encourage the preparation of an Environmental Impact Report. The Kern County Wind Energy Association Ad Hoc Committee met several times to revise the existing wind energy ordinance. Finally, on October 8, 1984, the revised wind energy ordinance was approved by the Kern County Board of Supervisors in front of a standing room only crowd in Bakersfield. A subsequent hearing was held in Tehachapi, November 29, 1984, to explain the new ordinance and accept comments from another standing room only crowd.

The Citizens Coalition feels it is necessary to remain active to continue improving and monitoring the wind energy process in Kern County. There are already over 10,000 county acres, in addition to several thousand acres of Bureau of Land Management land, zoned for wind energy. The Citizens Coalition suggests the importance of taking an overall critical look at the effects of the wind industry in our area. The utilization of three land use tools may be used to evaluate the wind industry thus far: 1.) conduct a Cumulative Environmental Impact Report to study the total environmental effects of existing wind farms and to identify future suitable and unsuitable wind farm sites, 2.) prepare a separate wind energy element in Kern County's General Plan. This element would address containment, suitability, utilization, regulation and mitigation, and 3.) prepare a cost/benefit ratio study. The County might take in a million dollars in permit fees for wind machines. Then, the County might have to spend 1.5 million to conduct related studies, repair damage to drainage and roads, hire personnel, and purchase vehicles to enforce regulations related to the wind industry. The result of this example would be a negative cost/benefit ratio for the County.

The SOS Citizens Coalition is working hard to address these concerns. Interested citizens may join by writing to : SOS Citizens Coalition, P.O. Box 6131, Tehachapi, Calif. 93561, or calling 822-5807. The suggested donation is \$5.

# SIERRA CLUB



## KERN-KAWEAH CHAPTER

Georgette Theotig, Secretary  
P.O. Box 49  
Tehachapi, Calif. 93561

Jan. 23, 1985

Clerk, Kern County Board of Supervisors  
1415 Truxton Ave.  
Bakersfield, Calif. 93301

Members of the Board:

We wish to congratulate the newly elected members of the Board and wish you a successful year.

There are two issues we wish to address concerning the wind industry. First, concerned involvement with this new industry is rising, not fading, as the Bakersfield Californian suggested in the article on January 23, 1985, "Wind Park Opposition Blown Out?". While the Kern-Kaweah Chapter of the Sierra Club supports renewable energy resources such as wind power, it is the manner in which the wind industry is developing that we are opposed to. As we suggested in the spring of 1984, a Cumulative Environmental Impact Report needs to be conducted to study the total environmental effects of existing wind farms, and to identify future suitable and unsuitable sites. We are aware that the Planning Department has applied for a California Energy Commission grant to finance such a study. It is our hope that this will indeed be a cumulative study of all relevant areas. Also, a separate wind energy element needs to be prepared for the Kern County General Plan. The development of alternative sources of energy such as wind power in Kern County require environmentally sound policies to ensure future development.

The second issue of concern is Zone Case Change 7, Zoning Map 197, regarding the property of Benjamin Winter, who wishes to change the zone from A-1 to A W-F. We concur with the Planning Department in its recommendation to disapprove of this zone change for two reasons: 1) the property in question is not in the primary wind zone, and 2) information from an Environmental Impact Report can provide responsible overall picture of the environmentally best suited sites for wind energy.

The Kern-Kaweah Chapter of the Sierra Club expects to remain actively involved in improving and monitoring the development of wind energy in Kern County.

Sincerely,

*Georgette Theotig*  
Georgette Theotig, Secretary  
Kern-Kaweah Chapter, Sierra Club

cc: R. Abbott, Planning Department  
L. D. Mills, Public Works Department  
Carlene Radanovich, Grand Jury  
Scott Frazer, Soil Conservation Service

# SIERRA CLUB



## KERN-KAWEAH CHAPTER

Georgette Theotig, Secretary  
P.O. Box 40  
Fehachapi, Calif. 93561

Jan. 26, 1985

Kern County Planning Department  
Environmental Analysis Division  
1103 Golden State Ave.  
Bakersfield, Calif. 93301

Dear Sir:

The following are the views of the Kern-Kaweah Chapter of the Sierra Club in regard to the Environmental Consultation for Windsorce, Zone Change Case No. 4, Map 168. After reviewing the information in the application, we must oppose the zone change from A-1 to A-WE on the basic premise that this project is not in a primary wind zone and therefore would not produce an optimum of wind energy. The impact on the rich physical and social characteristics of the site, from a project of less than optimum wind energy potential, should be considered.

### PHYSICAL CONDITIONS

1. Water Resources- When the site description states that "the site primarily consists of ridges and draws with alluvial fans in the flats", it is clear a considerable portion of the site lies in natural waterways. Also, the description states that "excavated materials shall be placed to elevate the pad portion of the foundation in the alluvial fan area thus allowing sheet flow from high intensity summer storms to pass". How wise is it to place turbines in desert alluvial fans with great flooding potential?
2. Geology/Seismicity- A seismic study area (for the Garlock fault) transects the site from east to west on both sections 29 and 31. Why hasn't this study area been addressed in more detail? Certainly the proximity of a major fault zone necessitates a more in-depth study.
3. Natural Resources- The study states that desert pavement covers 34% of the western parts of section 31. Desert pavement is a natural phenomenon whereby small pebbles and stones form a compacted desert surface protection from erosion and blowing dust. Disturbance of this natural erosion check may contribute to increased "fugitive dust".
4. Native plant transplantedation of protected species found on the site (Joshua trees, Lord's Candle, Beavertail and Cholla cactus) is offered as a mitigation measure. How effective is the transplantedation of protected species? Is there a documented study with percentages of successful transplants?



Last, removal of shrubs and seed plants will reduce wildlife populations of Gambel's quail, the Black-tailed hare, and the Audubon cottontail.

5. Wildlife- Several species found on the site have a protected status: Prairie falcon, Mourning dove, Gambel's quail, the Black-tailed hare, and the Audubon cottontail. The further reduction of prime habitat for a marginally located wind farm serves neither the best interest of the wildlife nor the wind industry.

#### SOCIAL CONDITIONS

1. Archeology/History- Two archeological sites (individual bedrock mortars) and nine "isolated finds" were located on the site. The archeological study states that an area of section 29 "may yield buried cultural resources including lithic implements and debitage". Further, a significant isolated find, an unclassified projectile point, "may link this region with a lake culture that existed thousands of years ago". Are such potentially important resources ensured protection when accidentally discovered by a bulldozer? Both sections merit further in-depth study.

In conclusion, we wish to again emphasize our support of wind energy. However, there must be environmentally sound development to balance the impact. Clearly, there is a need to conduct a Cumulative Environmental Impact Report to identify the areas of prime wind energy potential, before further rezoning occurs.

Sincerely,

*Georgette Theotig*  
Georgette Theotig, Secretary

cc: L. D. Mills, Public Works Department  
Clerk, Kern County Board of Supervisors  
Carlene Radanovich, Grand Jury  
Scott Frazer, Soil Conservation Service

Kern County  
BUILDING INSPECTION DEPARTMENT  
L. Dale Mills, Director



July 23, 1984

All Wind Farms

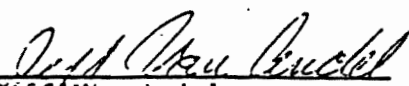
Subject: Requirements of the A-W Zone

It has come to the attention of this department that the fencing and posting of warning signs as required in Section 7186.3 of Article 20.2 of the Kern County Zoning Ordinance (W-E Overlay) is being neglected at many wind farms. It is stressed that these aspects of wind farm construction must be given high priority. Both fencing and signs should be in place at the time of installation of the wind generators.

This letter is also a reminder that now is the time to prepare for the reseeding requirement. The optimum planting time is from October 1 to November 30. Such preparation should include the following:

- \*Finish grading
- \*Acquiring and/or modification of equipment
- \*Training of personnel (essential to good results)
- \*Purchasing and stockpiling seed, fertilizer and mulch

Due to the fact manpower, equipment and time will be in short supply during the optimum planting time, preparation for reseeding is essential at this time.

  
Jeff Van Andel  
Building Inspector I

JVA:vt

*WRS*

cc: Smith, T. ... P.W. 8/1/84

# SIERRA CLUB



## KERN-KAWEAH CHAPTER

Georgette Theotig, Secretary  
P.O. Box 49  
Tehachapi, Calif. 93561

Nov. 2, 1984

Mr. L. Dale Mills  
Kern County Public Works Department  
2601 O Street  
Bakersfield, Calif.

Dear Mr. Mills:

I am writing to voice my strong support of wind farms in Kern County adhering to the newly revised Wind Energy Ordinance. The majority of the Ad Hoc Committee and the Kern County Wind Energy Association expressed support of the revised ordinance. While the Kern-Kaweah Chapter of the Sierra Club opposed the revised the revised ordinance because it did not address a buffer zone or a comprehensive EIR. We certainly support compliance by recently re-zoned parcels of land.

In light of public concern for protection of nearby residences and the environment, compliance with the new regulations is very important and will be expected.

Sincerely,

*Georgette Theotig*

Georgette Theotig, Secretary  
Kern-Kaweah Chapter, Sierra Club

PUBLIC WORKS - SURVEYOR			
ROUTE	INFO.	ACT.	SIG.
<input checked="" type="checkbox"/> DIRECTOR			<i>[Signature]</i>
<input checked="" type="checkbox"/> DEP. DIR. (P.W.)			
<input type="checkbox"/> DEP. DIR. (ROADS)			
<input checked="" type="checkbox"/> ROADS			
<input type="checkbox"/> BRIDGES			
<input type="checkbox"/> DRAINAGE			
<input type="checkbox"/> EROSION CONTROL			
<input type="checkbox"/> FLOOD CONTROL			
<input type="checkbox"/> LANDSCAPE ARCHITECTURE			
<input checked="" type="checkbox"/> SURVEYING & SUB.			<i>S.T.</i>
<input type="checkbox"/> SPECIAL DIST.			
<input type="checkbox"/> TRANSIT			

*copy sent 11/8/84*

October 1, 1984

Mr. Charles R. Imbrecht, Chairman  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Dear Mr. Imbrecht:

I am writing to you regarding statements that are contained in a recent letter from your office to Mr. and Mrs. Van Bunkle of Mojave. Specifically, there is a statement in your letter indicating that "Soil Conservation Service (SCS) has inspected the wind farms in your area and found that those projects are in compliance with soil management protections recommended by SCS and the Kern County Wind Energy Ordinance." Unfortunately I can not agree with this statement. Further, I have observed serious erosion on land as a direct result of wind energy development.

It may be to your benefit to review some of the developments in Tehachapi personally. I am hopeful that all of the development work presently occurring will meet SCS and Kern County standards. However, I felt it was important to inform you that the same could not be accurately portrayed of development that has occurred to date. Could you tell me the source of your information regarding SCS "inspections and findings"?

In addition, please note my attached letters to Mr. Hugh Riecken of the BLM regarding SCS review of BLM projects. We have not reviewed any project or project plans for the BLM to date.

If I can be of any further assistance, or if you would like to ask any questions about SCS review of wind energy development, please do not hesitate to call upon me.

Sincerely,

Scott Frazer  
District Conservationist

SF/ibm  
attachments

cc: w/o attachment, Gerald Hillier, BLM, Riverside  
w/o attachment, Hugh Riecken, BLM, Riverside  
w/o attachment, Morris Martin, SCS Fresno  
w/o attachment, Al Davies, Pres., Kern County Wind Energy Assoc.  
w/o attachment, Glenn Barnhill, Kern County Planning Dept.  
w/o attachment, Jim Williams, BLM, Riverside

CALIFORNIA ENERGY COMMISSION  
1111TH STREET  
SANTA MONICA, CALIFORNIA 90401



November 2, 1984

Mr. Scott Frazer  
Soil Conservation Service  
120 East Tehachapi Blvd.  
Tehachapi, CA 93561

Dear Mr. Frazer:

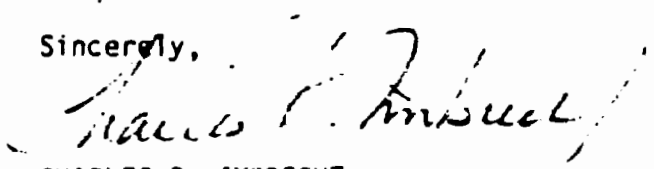
Thank you for your recent letter. I appreciate the concern you have expressed regarding a statement I made in a recent letter to Mr. and Mrs. Van Burkelo indicating that the Soil Conservation Service had found wind projects in the Tehachapi area to be in compliance with recommended soil management protections.

As I now understand it, the Soil Conservation Service has not made such a finding and remains concerned about the possibilities for soil erosion as a result of wind energy development projects. As Kathleen Gray of the Commission's Wind Program staff indicated to you by telephone, the source of our information concerning the Soil Conservation Service's findings was the Kern County Planning Department's interpretation of your field office report, "Wind Energy Farms Erosion Control Plan," prepared in February 1984. We now understand that this report was designed to be a guideline for wind project developers to mitigate erosion damage from future wind projects and was not intended to serve as the Soil Conservation's findings of compliance for any projects.

Based on your telephone conversation, Ms. Gray has indicated that you feel the new wind energy ordinance adopted by the Board of Supervisors on October 8 is an improvement over previous erosion control measures in their earlier wind energy ordinance. We share your hope that the provisions in the new wind energy ordinance will provide increased protections against soil erosion.

In the future, if we have any questions regarding the Soil Conservation Service's views on any matter, we will contact you directly. I hope I have responded to your concerns. If you should have any further questions or comments, please feel free to contact me.

Sincerely,

  
CHARLES R. IMBRECHT  
Chairman

cc: Morris Martin, SCS Fresno  
Al Davies, Kern County Wind Energy Association  
Glenn Barnhill, Kern County Planning Department  
Mr. and Mrs. Van Burkelo

14

# Office Memorandum • KERN COUNTY

TO : File

*Gunn*

DATE: April 19, 1985

FROM : Jeff Van Andel  
Building Inspector I.

Telephone No. (805) 822-6329

SUBJECT: Status of Machines of Cannon I & II

## FOUR PERCENT OPERABLE

Storm Master

Century

Wind Tec

Total

Phase I Phase II Total Operable

85	0	85	1
0	62	62	0
1	5	6	5
86	67	153	6

### STORM MASTERS

- \*24 sites are missing blades or generators
- \*Others have problems with the hub, yaw bearing and/or control panel
- \*All except one, have been switched off for several months to prevent them from self destructing when they lose blades. They will probably remain switched off until a stronger hub is designed.
- \*If they were switched on, they might be able to get 30 running at the most

### CENTURIES

- \*13 towers down and/or missing blades or turbines
- \*8 missing umbilicals (the wire harness between generator on top and the control panel below)
- \*All disconnected from 480 volt line at two different points (at least) in the control panel
- \*Most control panels are missing parts, some are completely stripped

### WIND TECS

- \*All intact
- \*5 were switched on
- \*3 were running

DOCUMENT #17

## KERN COUNTY PUBLIC WORKS DEPARTMENT

L. DALE

WINDPARK NAME	EROSION CONTROL PLAN		RE-SEEDING REQUIREMENTS		PROP. RE-SEEDING SCHEDULE		ACT. RE-SEEDING SCHEDULE	
	DATE RECEIVED	DATE APPROVED	CUP - OR - ZC	RE-SEEDING METHOD	START DATE	COMPLETE DATE	DATE STARTED	DATE COMPLETED
AIRTRICITY	MAY 29, 1984	JULY 16, 1984	CUP 15-187	PER U.S.D.A. SOIL CONSERVATION	OCT. 15, 1984	MAR. 1985	DEC. 1, 1984	APRIL
CANNON 1 & 2	JUNE 12, 1984	JUNE 13, 1984	CUP 14-187 CUP 18-187	NONE PER U.S.D.A. SOIL CONSERVATION	OCT. 1984	MAR. 1985	MAR. 29, 1985	APR.
CANNON 3, 4a & 4b	JUNE 12, 1984	JUNE 13, 1984	ZC	PER W-E ORDINANCE	OCT. 1984	MAR. 1985	3.4a-NOV. 5, 1984 4b-FEB. 8, 1985	MAR.
ZOND SYSTEM	MAY 14, 1984	OCT. 2, 1984	CUP 9,10-198 CUP 21,24-198	NONE PER U.S.D.A. SOIL CONSERVATION	( ON GOING	RE-	SEEDING	PRO
AMERICAN WIND ENERGY	MAR. 8, 1984	JULY 18, 1984	CUP 12,13-198 CUP 19,20,23-198	NONE PER U.S.D.A. SOIL CONSERVATION	DEC. 1984	DEC. 1984	DEC. 4, 1984	DEC.
RIDGELINE / ESI	JAN 22, 1985	APR. 8, 1985	CUP 11-198 CUP 14-198	PER BIOTA REPORT NONE	APR. 22, 1985	APR. 22, 1985	☆☆☆☆	✓
ENERGY PROGRAMS / ILLINOIS WIND	DEC. 4, 1984	DEC. 8, 1984	ZC	PER W-E ORDINANCE	MAR. 31, 1985	MAR. 31, 1985	MAR. 31, 1985	APR.
ARBUTUS	(REV) JAN. 8, 1985	JAN. 16, 1985	CUP 17-167 CUP 19-167	PER PAJUELA PEAK VEGETATION REPORT NONE	JAN. 28, 1985	MAR. 1985	OCT. 30, 1984	FEB.
OAK CREEK ENERGY	NOV. 12, 1984	NOV. 12, 1984	CUP 7,8,16-198 CUP 17,26-198	NONE REVEGETATE WITH NATIVE PLANTS	NOV. 1984	MAR. 1985	NOV. 15, 1984	MAR.
SIROCCO ENERGY	SEPT 24, 1984	NOV. 11, 1984	CUP 18,31-198	PER U.S.D.A. SOIL CONSERVATION	FEB. - MAR. 1985	FEB. - MAR. 1985	☆☆☆	✓
WIND SOURCE	NOV. 28, 1984	DEC. 13, 1984	ZC	PER W-E ORDINANCE	FEB. 1985	FEB. 1985	MAR. 18, 1985	MAR.
ZEPHYR PARK	NOT REQUIRED	-----	CUP 16-198	NOT REQUIRED	NOT REQUIRED	-----	-----	-----
CORAM	NOV. 16, 1984	NOV. 30, 1984	ZC	PER W-E ORDINANCE	JAN. 1985	JAN - FEB 1985	MAR. 21, 1985	MAR.
CALWIND	AUG. 20, 1984	SEPT. 27, 1984	ZC	PER BIOTA REPORT	FEB. 4, 1985	FEB. 7, 1985	FEB. 11, 1985	MAR.
PAN PACIFIC	NOT REQUIRED	-----	CUP 16-198	NOT REQUIRED	NOT REQUIRED	-----	-----	-----
WINDLAND / TRIAD	MAY 3, 1984	JUNE 4, 1984	CUP 1-181	REVEGETATE WITH NATIVE PLANTS	JAN - FEB 1985	JAN - FEB 1985	MAR. 18, 1985	APRIL MAY
FLOWIND	(REV) JAN. 8, 1985	JAN. 18, 1985	CUP 1-181	REVEGETATE WITH NATIVE PLANTS	JAN. 1985	JAN. 18, 1985	OCT. 30, 1984	FEB.
G & G WIND	DEC. 11, 1984	DEC. 11, 1984	ZC	PER W-E ORDINANCE	JAN - FEB 1985	JAN - FEB 1985	MAR. 18, 1985	MAR.
WINDRIDGE / WILLOWIND	OCT. 9, 1984	NOV. 8, 1984	ZC	PER W-E ORDINANCE	NOV. 1984	MAR. 1985	FEB. 27, 1985	☆☆
CAMERON HILLS	NOT RECEIVED ☆☆	-----	ZC	PER U.S.D.A. SOIL CONSERVATION	NOT RECEIVED ☆☆	-----	-----	-----

☆ AWAITING AS - GRADED  
CERTIFICATION FROM ENGINEER.

☆☆ DEVELOPER NOTIFIED TO SUBMIT GRADING PLAN,  
RESEEDING PLAN & SCHEDULE, REPORT FILED WITH BOARD

☆☆☆ DEVELOPER NOTIFIED  
REPORT FILED WITH  
☆☆☆☆ DEVELOPER NOTIFIED

DOCUMENT #18

**L. DALE MILLS**  
DIRECTOR OF PUBLIC WORKS  
COUNTY SURVEYOR  
DIRECTOR OF BUILDING INSPECTION  
COUNTY ROAD COMMISSIONER



**PUBLIC WORKS &  
COUNTY SURVEYOR**  
2801 "O" Street  
Bakersfield, California  
93301

Telephone  
(805) 861-2481

File: 11550.9

May 17, 1985

CERTIFIED #635762

Mr. Ted Wyman  
Windridge/Willowind Windpark  
406 E. Tehachapi, CA 93561

Dear Mr. Wyman:

RE: As-Graded Certification for Windridge/Willowind  
Windpark (Grading Permit #30958-B)

It appears that the reseeding has been completed on the subject windpark; however, our landscape architect (Mr. Tim Nord) cannot complete the first phase of the seeding certification process until he receives copies of your daily seeding reports and the grading has been properly certified. It is requested that you provide Mr. Nord with the necessary reports and your engineer provide the Planning Department and Building Inspection Division with the As-Graded Plans and Grading Certification. (Please note that approval of the plans and certification by Planning is required prior to acceptance of these documents by Building Inspection.)

If the matter is not resolved within twenty (20) days after receipt of this letter, it is our intention to recommend to the Board of Supervisors that no additional building permits be issued until the

19

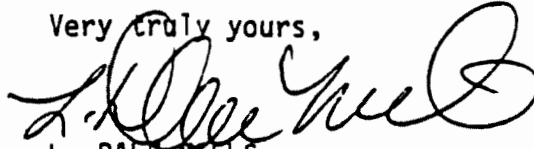


Ted Wyman  
March 22, 1985  
Page 2

seeding reports and grading certification have been provided in  
accordance with our request.

If you have any questions, please feel free to contact this office.

Very truly yours,



L. DALE MILLS  
Director

LDM:WDT:cc

DRAIN

cc: All Supervisors  
County Administrative Office  
Attn: Ms. Mary Weddell  
✓ Grand Jury  
Planning Department  
Attn: Mr. Glenn Barnhill  
Building Inspection  
Attn: Mr. Gene Olcott  
Nord Landscaping Company  
Patrick & Henderson Engineering Company

**SIERRA CLUB**



**KERN-KAWEAH CHAPTER**

Georgette Theotig, Secretary  
P.O. Box 49  
Tehachapi, Calif. 93561

May 27, 1985

Kern County Planning Department  
Environmental Analysis Division  
1103 Golden State Ave.  
Bakersfield, California 93301

Dear Sir:

The following are the comments of the Kern-Kaweah Chapter of the Sierra Club in regard to the Proposed Negative Declaration for Windsources, Zone Change Case No. 4, Map 168. After reviewing the information in the Proposed Negative Declaration, we must oppose this zone change from A-1 to A-WE for the following reasons:

- 1) First, we maintain that no further zone changes occur until the Master Environmental Assessment being conducted by the county is complete.
- 2) As stated in the remarks, the project site has "marginal" to "good" wind resource potential. We maintain that only "excellent" wind resource potential sites be developed to justify the loss of rich habitat and open space.
- 3) "Erosion potential ranges from moderate to very high. Cache Creek Rural Community is located approximately one mile east." A considerable portion of the site lies in natural waterways.
- 4) Native plant transplantation of protected species found on the site is offered as a mitigation measure. How effective is the transplantation of protected species?
- 5) Several species found on the site have a protected status. The further reduction of prime habitat for a marginally located wind farm serves neither the best interest of the wildlife nor the wind industry.

In conclusion, we wish to again emphasize our support of wind energy. However, there must be environmentally sound development to balance the impact. The Master Environmental Assessment may give a total picture from which to base future planning of wind development. We encourage a stop on zone changes until this study is complete.

Sincerely,

*Georgette Theotig*

Georgette Theotig, Secretary

cc: L.D. Mills, Public Works Department  
Clerk, Kern County Board of Supervisors  
Carlene Radanovich, Grand Jury  
Scott Frazer, Soil Conservation Service

# The Interpreter

USPS 5490 0000 4

Three Sections 25¢

A locally owned, legally adjudicated newspaper serving the East Kern communities of Boron, California City, Cantill, Edwards AFB, Mojave, North Edwards and Rosamond.

VOLUME 37 NUMBER 50

## At wind farms

### Conservation district demands enforcement of erosion control

BORON — The Eastern Kern County Resource Conservation District, the president of which, William Nelson, is a Boron resident, has sent a letter to the Kern County Board of Supervisors complaining about lack of compliance with erosion control measures by wind farms in the area between Tehachapi and Mojave.

The letter mentioned Oak Creek Energy, American Wind and several other new projects and urged the county to take all necessary actions to prevent further developments until all the disturbed areas are treated.

"We were rather concerned about it as far as the wind farms not taking the proper erosion controls," Nelson said. "We requested that the county require these people to comply with the environmental laws and the conservation laws to control the erosion that comes from breaking up the desert to build these things."

"It's not in opposition to wind farming," he continued, "but a complaint

that they're not following up on mitigation measures. Basically it's just to impress on the Board of Supervisors to do something."

Nelson said that the district directors are concerned about the possible consequences of a wet winter this year. He pointed out that the wind farmers were supposed to reseed the hillside and that permits were issued on the basis that they would regenerate the grasses and the native vegetation.

Local residents may recall times in the past when heavy rains have washed large volumes of mud and sand across the roadways, impeding traffic and creating a safety hazard as well as depriving the land of topsoil. This is the type of problem the reseeding requirement is intended to help prevent.

Nelson pointed out that Oak Creek Energy's wind park is partly within the bounds of the EKCRCD and partly in the Tehachapi Resource Conservation

"I'm not against alternate energy," Nelson said, "and neither is any member of the district board. But when you build something like this and there are conditions set forth in the permits, those conditions should be met."

Nelson, who works as a chemist at the Rocket Propulsion Laboratory near here, said, "We decided at our last meeting that we thought a letter to the board would be appropriate, that they're letting these things come in one after another and they're not taking the proper conservation measures which are written into the permits."

On a different topic, the conservation district's windbreak tree sale is continuing. Nelson said that about 1,000 trees have been ordered in the Inyokern area. He said that the district will take orders this year, buy a small number of trees above the amount ordered and have them available as extras for sale at the distribution points.

He stressed the fact that there will not be many of these extra trees on

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